



San Bernardino County Employees' Retirement Assoc.

Staff Report Details (With Text)

File #: 19-985 **Name:**

Type: Action Item

File created: 6/18/2020 **In control:** BOARD OF RETIREMENT

On agenda: 7/2/2020 **Final action:** 7/2/2020

Title: Approve the request to extend re-employment of Andrew Antekeier as Safety Unit Extra Help-Background Investigator for the San Bernardino County Sheriff's Department, from April 3, 2020 to April 3, 2021, because an extreme necessity exists to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Benefits Policy No. 032: "Retirees Returning to Work," have been met.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A: Board Summary Worksheet, 2. Exhibit B: Certification Forms and Attachments, 3. Exhibit C: Prior Certification Form

| Date | Ver. | Action By | Action | Result |
|----------|------|---------------------|----------|--------|
| 7/2/2020 | 1 | BOARD OF RETIREMENT | Approved | Pass |

FROM: Colin Bishop, Chief of Member Services

SUBJECT: Returning Retiree Certification Andrew Antekeier

RECOMMENDATION:

Approve the request to extend re-employment of Andrew Antekeier as Safety Unit Extra Help-Background Investigator for the San Bernardino County Sheriff's Department, from April 3, 2020 to April 3, 2021, because an extreme necessity exists to continue the retiree's employment beyond the 18-month limit, and thus the standards of SBCERA Board Benefits Policy No. 032: "Retirees Returning to Work," have been met.

BACKGROUND:

Mr. Antekeier retired on July 22, 2017 as a Sheriff's Deputy from the County of San Bernardino Sheriff's Department and has been re-employed for the past two years as a Safety Unit Extra Help-Background Investigator. There are approximately 350 current vacancies in the Sheriff's Department and the Prison Law Office (PLO) has now mandated the hiring of numerous additional Correctional Medical staff via a court order, which was unforeseen. The department contends that Mr. Antekeier's special skills are critical to ensure compliance with the court order and to meet hiring demands on a temporary basis.

Mr. Antekeier's initial post-retirement employment began in March 2018, after the implementation of the California Public Employees' Pension Reform Act of 2013 (PEPRA), which placed additional restrictions on retirees returning to work. In April 2018, the Board approved an updated version of its policy on "Retirees Returning to Work," which changed some of the processes for reviewing and permitting extensions for the re-employment of retirees, notably adding a provision for Board

approval when the period of employment was either not specified or greater than 18 months. Accordingly, the Sheriff's department has filed for an extension for him to continue working until April 3, 2021. (Mr. Antekeier's previous certification was set to expire on March 30, 2020, but it was extended pursuant to SBCERA Board of Retirement Resolution 2020 - 003, which provided for an extension for retirees with certifications expiring between March 4, 2020 and June 4, 2020.)

Exhibit B provides additional background regarding Mr. Antekeier's specialized knowledge and the importance of his re-employment to the department. Mr. Antekeier's prior Returning Retiree Certification is attached as Exhibit C.

Pursuant to Government Code section 7522.56, 317680.6, and 31680.7 and SBCERA Benefits Policy No. 032, upon receiving and reviewing the participating employer and retiree's justification to extend the retiree's employment beyond the 18-month limit for presumed compliance with the statutory "limited duration" standard, the Board must, based on the facts and evidence presented:

1. Find one of the following:
 - a. That extreme necessity exists to continue the retiree's employment beyond the 18-month limit; or
 - b. In the alternative, that the extension of employment is unavoidable and circumstances exist that could not have been anticipated; or
 - c. That there is neither an extreme necessity, nor circumstances that are unavoidable or could not have been anticipated, and thus that the standards of Policy No. 032 are not met.
2. Based on the finding above in part (1) above, the Board:
 - a. Approves the request for extension of employment of retiree beyond the 18 month limit. Extension of the employment commences on the date indicated on this certification and will terminate on April 3, 2021; or
 - b. Denies the request of extension of employment of retiree beyond the 18-month limit. In a case of any violation of the law as implemented through Policy No. 032, including continued employment beyond the 18-month limit or without prior approval, the Board directs staff to suspend the retiree's retirement benefit and reinstate the retiree to active service. Additionally, staff is directed to commence collection of any retirement benefits received during any unlawful re-employment, as well as contributions from employer and employee.

As noted above, staff recommends that the Board approve this request for the extension of employment of Mr. Antekeier.

BUDGET IMPACT:

None.

STRATEGIC PLANNING GOAL/OBJECTIVE:

Operational Excellence & Efficiency

STAFF CONTACT:

Colin Bishop

ATTACHMENTS:

Exhibit A: Board Summary Worksheet

Exhibit B: Certification Forms and Attachments

Exhibit C: Prior Certification Form